

BOARD OF SELECTMEN MEETING

Minutes of April 20, 2020

CALL TO ORDER: Chairman Ross McLeod called the meeting to order at 7:00 pm. Selectmen Roger Hohenberger and Bruce Breton were present in the meeting room; with Mr. McLeod, Selectmen Heath Partington and Jennifer Simmons, Town Administrator David Sullivan, and Fire Chief Tom McPherson in attendance via Zoom Conference. Mr. McLeod opened with the Pledge of Allegiance, then read a statement relative to the Governor's Executive Order 2020-04 #12, which authorizes the Board of Selectmen to meet electronically provided public access is available via telephone or electronic means. He read the access phone number, text message number, and email address available for use by the public.

Mr. McLeod then conducted a roll call of all participants to ensure they were conferencing in alone, during which a technical issue arose with the sound. The meeting was briefly delayed with the issue was corrected by the IT Director, resuming at 7:15 PM.

ANNOUNCEMENTS: Mr. McLeod acknowledged the passing of Win Carpenter, owner of the Windham Independent; noting she was truly a gem and will be sorely missed. He went on to note that the Independent is a real treasure for the Town, and remained successful today due to the hard work of Win and her late husband, Vern. Mr. McLeod then requested a moment of silence.

Mrs. Simmons noted the sportsfields will be fertilized the following day and, although they are still closed, reminded all to stay off them for 24 hours.

Mr. Partington advised there had been a 4th grade teacher parade the previous day; noting it had been cool to see and that his kids were happy to have been a part of it.

Mr. Partington encouraged anyone who is struggling at this time to reach out to the Town, as there are a number of organizations who may be able to help.

Captain Mike Caron, on behalf of Chief Lewis, recognized the donation from a resident, who wished to remain anonymous, of an iPad to the Department; adding it will be used for video conferencing with victims and witnesses during the ongoing Coronavirus crisis.

Mr. Hohenberger moved and Mr. Partington seconded to accept the donation with gratitude. Roll call vote – all “yes”.

TAX CREDIT/EXEMPTION APPLICATIONS: Mr. Sullivan explained that recipients are required to recertify every five years in order to continue receiving exemptions and/or credits. He indicated that, despite the efforts of Jennifer Zins to assist them, there were six individuals who did not respond in time; those being four veteran and two elderly recipients. Mr. Sullivan advised that the deadline for same was April 15, and it is within the Board's discretion to waive it; however, he would recommend the Board deny these requests until such time as the individuals in question can produce the necessary information. He indicated that, at that time, the Board could grant an abatement.

Mr. Hohenberger sought clarification that if these individuals came forward in a week or two the Board could approve it then, and Mr. Sullivan reiterated the Board could handle it as an abatement for “good cause”. Mr. Hohenberger then inquired whether letters would be sent regarding the Board's decision, and Mr. Sullivan replied staff could do so. Brief discussion ensued.

Mr. Hohenberger then moved to follow the advice of staff and send letters to these individuals that they will not be receiving their exemptions and advising they can still come forward to obtain same. Mr. Breton seconded and discussion ensued, in which it was clarified those that do come forward will not receive the exemption, but rather an abatement of equal amount could be granted.

Roll call vote – all “yes”.

HAYES HART BOAT RAMP ACCESS: Mr. McLeod outlined the Board's discussion/actions on this matter in July of last year; noting the motion had been to enforce the deed restrictions, however, that nothing be done prior to October 1 in order that Salem residents could remove their boats. He noted that tonight's agenda item was to discuss with the Police Department how to go about providing access and a process for same. Captain Caron concurred that was the intent.

Mr. McLeod then noted a couple of residents have reached out, and a letter has also been received from Don Piccirillo, President of the Canobie Lake Protective Association; adding the latter has requested this be postponed until live meetings can be had again.

Discussion ensued, with Mr. Hohenberger, Mrs. Simmons, and Mr. Breton feeling it should be continued. Mr. Partington noted, however, that the Board has already gone through this and the intent now is just to talk about how to enforce the deed; adding that Mr. Piccirillo's letter seems to indicate they want to re-open the discussion. Mr. Partington noted he did not want to hear the same things a second time, as the Board had done so and made their decision; adding the longer the Board delays, people then will put their boats in and, once that happens, we cannot enforce anything until they are out.

Mr. McLeod concurred with Mr. Partington, noting the Board had voted to stay with the language within the deed, which required the Town to keep it open in perpetuity only to residents of Windham, and the discussion now was to be what the process will be to enforce that; adding he would also like to go forward rather than rehashing those other items. Mr. Breton inquired if there were not some language that could be added to allow abutters to the Lake to put their boats in/out, and Mr. McLeod noted that would be going backward; going on to note that in addition to getting past the COVID19 issue, continuing could also allow time for the Police to reach out to CLPA regarding any preferences they might have as far as access controls.

Mr. Hohenberger asked that Captain Caron weigh in, and the latter reiterated he and the Chief were only intending to discuss what the process would be; adding they have no control over the deed rather they will be enforcing parking and whatever else the Board chooses to do. Discussion ensued regarding the Board's previous decision, with Mr. Sullivan agreeing the deed would not be changed as that had already been vetted out. He went on to note, however, that the Chief's question was would the Board consider operating the locked gate similar to that at Cobbetts Pond and giving keys to the CLPA to allow them to control the boats coming in from Windham property owners, and possibly those in Salem who own property on the Lake, in April and October. Mr. Sullivan added that, to his understanding, the water level at the Salem access is currently not deep enough.

After further discussion, Mr. Breton moved and Mr. Hohenberger seconded to continue this matter until the Board can have a live meeting. Roll call vote – all "yes" save for Mr. Partington.

Further discussion ensued, and Mr. Sullivan will follow-up to work with the Police and CLPA.

RAIL TRAIL PARKING: Mr. McLeod noted this was to be a discussion regarding regulating parking on Depot and Frost Roads. Mr. Sullivan explained that a resident of Depot Road, who works in the healthcare industry with COVID patients, had contacted him to express that though he felt it was great to have the Rail Trail open, he had concerns regarding the number of people using it. Mr. Sullivan noted that the individual had counted 49 cars parked along Depot and Frost roads over the weekend, and had asked that the Board restrict such parking in order to both encourage social distancing and lessen traffic at that location.

Mr. Breton noted that speeding is also an issue in that area, in response to which the Town had put in speed bumps, and suggested that once the parking lot is full there be no overflow onto the roads; adding there are other points of access and parking available.

Mr. Hohenberger concurred that Sunday was very crowded, noting the cars parked along Depot Road were forcing it to almost a single lane of traffic; adding there were also people maneuvering in and out looking for spots. He expressed agreement with limiting parking on Depot Road, but felt Frost Road could be kept open as it is less travelled.

Mrs. Simmons concurred; adding that the road is a known hazard and parking should be limited.

Mr. Partington noted he would support limiting the parking if there is a generic safety issue there, and Mr. McLeod concurred; adding, however, that if the road is open, without cars parked along the side, will people then go faster. Captain Caron agreed that the parked cars will force them to go slower, but indicated it does not make it any less dangerous. He suggested that "No Parking" signs could be done, or the Department could do cones over the weekend, along with detail officers to assist the residents. Captain Caron suggested perhaps one side of Frost Road could be done; noting there is also a private business there and maybe they would allow overflow parking there on the weekends.

Mr. Breton noted that, even if it were not a problem currently, parking along Depot Road has always been an issue and it should be posted permanently. Discussion ensued regarding Frost Road.

Mark Samsel, WRTA President and Depot Road resident, noted that the Depot parking lot was always full even before this situation, and there was parking on Frost also, however, this is the first time parking is being seen on Depot Road. He explained that every day looks like the weekend, but now on weekends there is incremental parking all the way up Depot Road, on Frost Road, and in the island. Mr. Samsel noted that the Police had been called twice this past weekend, and they had issued tickets and put out cones, which appeared to work; adding something needed to be done in the interim. He felt "No Parking" signs on Depot Road seemed like a good idea, and that he'd thought there had been some in the past. He noted people are also parking in front of the wooden gate, which is a safety issue; adding that shutting the Trail completely would be a logistical challenge.

John Mangan, WRTA member and Depot Road resident, concurred with Mr. Samsel's statements. He noted he lives diagonally across from the Depot, reiterating there is a safety issue in the Depot due to traffic and that, in addition to parking on both sides of the road, there is also the issue of pedestrian traffic. Mr. Mangan did not feel the Trail should be closed, but agreed Depot Road should be posted no parking; adding there are such signs in the parking lot, however, they are not visible and people park directly behind them. He also felt that signs should be posted around the caboose.

Mr. Mangan then noted, as it pertained to Frost Road where he owns a property where his daughter resides, traffic poses danger to his grandson as people use the driveway as a turnaround; adding this also erodes the driveway itself. He also pointed out the speed limit change of 35 to 30 mph from Derry to Windham. Mr. Mangan indicated that if people want to park on the right side of Frost Road he is okay with that, but the opposite side should be posted; adding that wherever they are installed the signs should be high, visible, and not too far apart. He noted he would also support cones, as those had worked.

Mr. McLeod sought clarification as to how wide Depot Road is, and Captain Caron replied 22'. Discussion ensued regarding the road width, shoulder areas, and the amount of traffic. Mr. Samsel then noted that signs should also be posted on the right side of the lot as you turn in, as people are parking right at the entrance.

Mr. Breton suggested that signs be posted in appropriate places, as determined by the Police and Rail Trail Alliance, and just on Depot Road; adding the Chief should look at the shoulder on Frost Road. Mr. Hohenberger suggested that Depot Road be posted along with one side of Frost Road, and that Mr. Zohdi be asked about allowing overflow parking.

Mrs. Simmons sought clarification as to the width of Frost Road, with Captain Caron replying it is also 22'. Mrs. Simmons then questioned whether emergency vehicles could get through if there were vehicles parked on both sides, and Chief McPherson replied in the negative.

Mrs. Simmons then inquired whether no parking signs were needed at the wooden gate. Chief McPherson replied there are no signs there now, and explained that gate is critical for access as it has the necessary clearance.

To Mr. Hohenberger's earlier point, Mr. Breton noted that Herbert Associates on Frost Road was posted "No Parking".

Mr. Partington suggested that signage be installed on Depot Road and where necessary to keep the entrance/exit to the lot open. Mr. McLeod concurred in light of Chief McPherson's comments.

Chief McPherson then explained that, once this pandemic is over, the Town can file to recoup up to 75% reimbursement of the Town's expenses, which would include emergency protective measures; adding traffic issues can be tied to the pandemic. He indicated that whether it involves details or signage, all can be tracked and submitted for reimbursement.

Discussion ensued regarding potential types of signage, what length of Depot Road to post, and that posting any length could lead to issues elsewhere. Captain Caron noted that safety is always the Department's concern, and whatever can be done should be, however, it will cause issues elsewhere (ie people will just park further up Depot Road).

After further discussion, Mr. Breton moved and Mr. Hohenberger seconded to have the Police post "No Parking" signs in conformance with MUTCD along Depot Road and on one side of Frost Road, as deemed necessary. Roll call vote – all "yes".

Mr. Partington questioned posting the entry/exit, as well, and a discussion ensued. Captain Caron noted staff can look at it and, if they are needed, it can be posted; adding the Town can post whatever it wants in the parking lot. It was the consensus of the Board to concur.

Captain Caron then sought clarification that the intent was to post Depot Road all the way to the Derry line. Discussion ensued, and it was determined that both sides of the Windham length will be posted.

OLD/NEW BUSINESS: *Mr. Sullivan* requested that, in the physical absence of Mr. McLeod, the Board authorize either Mr. Breton or Mr. Hohenberger to execute the PILOT agreement with McAuley Common in his stead. Mr. Hohenberger advised he would need to recuse himself due to his affiliation with McAuley.

Mrs. Simmons moved and Mr. Partington seconded to authorize Mr. Breton to sign the document on the Chair's behalf. Roll call vote – all "yes".

Mr. Hohenberger resumed his seat.

Mr. Sullivan requested the Board then authorize one of the two to execute the tax lien documentation for submission to the Department of Revenue Administration.

Mrs. Simmons moved and Mr. Partington seconded to authorize Mr. Hohenberger to sign on the Chair's behalf. Roll call vote – all "yes".

Mr. Sullivan requested the Board continue his standing authority to sign documents relative to the Moeckel Pond Dam project; noting they will shortly be applying for additional funds.

Mrs. Simmons moved and Mr. Breton to authorize Mr. Sullivan to sign the necessary documents. Roll call vote – all "yes".

Mr. Sullivan advised that another round of PFOS testing had been completed and, while the Town Hall well did not exceed the current standards, it does exceed the health advisory. He noted it would cost approximately \$4,000 to install a filtration system to mitigate same; reminding the Board that the outside spigot is used by the public.

Mr. Breton felt we should not have a public spigot available anywhere, particularly given the PFOS issues, as it creates a liability. Mr. McLeod sought clarification as to why we have one. Mr. Sullivan explained that the Board opted several years ago to leave it available as it is used during drought seasons and by camp owners/residents who leave with buckets of water. Mr. Sullivan went on to note that, as to liability, although it does not exceed the standards, it has in the past been posted as "Use at Own Risk"; clarifying that installing the filtration system will fix the issues.

Mr. Hohenberger expressed concerns that a much smaller system could be had for less, and questioned how many people use the water. Discussion ensued regarding the public's use of the outside spigot, plus the number of staff members working in the 3 buildings served by the well, and rental uses of the buildings.

Mr. Breton suggested that the kitchen sink at Town hall receive a filter and the spigot be closed. Mr. Hohenberger disagreed with the latter.

Mrs. Simmons sought clarification as to the number of uses of the spigot per day, and Mr. Sullivan replied that during the summer one could see a half dozen or so making use of it daily; adding he was more concerned regarding the number of people using Town Hall.

Mr. Partington noted it sounded as if something needed to be done, given that both staff and the public are using the water; adding he did not have enough information as to whether to turn off the spigot.

Mr. Sullivan reminded the Board that the Bartley House/Senior Center have such a filtration system, and are used less on any given day.

Mr. Hohenberger moved and Mrs. Simmons seconded to install a water system as recommended by staff. Roll call vote – all "yes" save for Mr. Breton.

CORRESPONDENCE: None.

MINUTES: Mr. Breton moved and Mr. Hohenberger seconded to approve the minutes of 12/16/2019 as written. Roll call vote – all "yes" with the exception of Mrs. Simmons, who abstained as she was not yet a member.

Mr. Breton moved and Mr. Hohenberger seconded to approve the minutes of 1/21/2020 as written. Roll call vote – all "yes" with the exception of Mrs. Simmons, who abstained as she was not yet a member.

Mr. Breton moved and Mr. Hohenberger seconded to approve the minutes of 1/27/2020 as written. Roll call vote – all "yes" with the exception of Mr. McLeod, who abstained due to absence, and Mrs. Simmons, who abstained as she was not yet a member.

Mr. Breton moved and Mr. Hohenberger seconded to approve the minutes of 2/3/2020 as written. Roll call vote – all "yes" with the exception of Mrs. Simmons, who abstained as she was not yet a member.

Mr. Breton moved and Mr. Hohenberger seconded to approve the minutes of 2/24/2020 as written. Roll call vote – all "yes" with the exception of Mr. Partington, who abstained due to absence, and Mrs. Simmons, who abstained as she was not yet a member.

Mr. Breton moved and Mr. Hohenberger seconded to approve the minutes of 3/9/2020 as written. Roll call vote – all "yes" with the exception of Mrs. Simmons, who abstained as she was not yet a member.

Mrs. Simmons moved and Mr. Breton seconded to approve the minutes of 4/6/2020 as written. Roll call vote – all "yes".

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan advised that Bellemore would like to run a vacuum cleaning test for the catch basin cleanings; noting that the State bid price for same had come in at \$150/hour and, if it works, we could do approximately 300 less basins per year at the same cost.

He further clarified that if the test shows 800 or 850 basins can be done annually, then we will probably proceed with moving to vacuum versus clam shell cleaning; adding that the test will cost approximately \$2,000.

Mr. Hohenberger questioned disposal of the material pulled out, and Mr. Sullivan clarified it will go to the landfill just as the claw material does, with the difference being that the water is dumped back into the basins.

Discussion ensued, and it was the consensus to proceed with the test and bring the data back to the Board for final determination.

Mr. Sullivan advised that a non-meeting will immediately follow the non-public session.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Breton seconded to enter into non- public session in accordance with RSA 91-A:3 II c. Roll call vote – all “yes”. The Board and Mr. Sullivan were present.

Reputations – Mr. Sullivan presented an elderly exemption renewal application for lot 3-B-265 that was not filed prior April 15th and recommended the Board allow the exemption under the provisions of RSA 72:33 I-a. This statute provides the Board the authority to do so provided “any person, otherwise qualified to receive an exemption or credit, shall satisfy the selectmen or assessors that he or she was prevented by accident, mistake, or misfortune.

Mr. Breton moved and Mrs. Simmons seconded to allow the elderly exemption on lot 3-B-265 to continue as in past years. Roll call vote: All members – Yes. Motion passed 5-0.

Reputations – Mr. Sullivan presented a new elderly exemption application for lot 18-L-36 which had all applicable documents filed in time but one requirement that will be satisfied cannot be done so by the May 1st deadline. He recommended the Board allow the exemption under the provisions of RSA 72:33 I-a once the requirement is finalized.

Mr. Hohenberger moved and Mr. Breton seconded to approve the elderly exemption on lot 18-L-36. Roll call vote: All members – Yes. Motion passed 5-0.

Mr. Breton moved and Mrs. Simmons seconded to come out of non-public. Roll call vote: All members – Yes. Motion passed 5-0.

Mr. Breton moved and Mrs. Simmons seconded to adjourn the meeting. Roll call vote: All members – Yes. Motion passed 5-0.

Meeting adjourned at 8:28pm.

Respectfully submitted,

Wendi Devlin, Administrative Assistant
David Sullivan, Town Administrator